

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-10/08-447
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Health Access Eligibility Unit that he and his family are not eligible for medical benefits under CHAP or the Dr. Dynasaur program. The issue is whether the petitioner's and his wife's income from self-employment exceeds the maximum allowable under those programs.

FINDINGS OF FACT

1. The petitioner lives with his wife and their minor child. He and his wife are self employed. The petitioner and his wife report their respective income to the Department based on their annual federal tax returns. In a decision in September 2008, the Department notified the petitioner that he and his wife were not eligible for CHAP and that their child was not eligible for Dr. Dynasaur due to excess income, as determined from the petitioner's and his wife's 2007 tax returns.

2. At a telephone hearing in the matter, held on December 8, 2008, the petitioner did not contest the

Department's determination that the household's 2007 income, after all allowable deductions, was over \$4,970 a month, which is over the Dr. Dynasaur and CHAP maximums of \$4,413 for a family of three.

3. At the hearing the petitioner alleged that his income may have decreased during 2008. He was advised that he could reapply for CHAP and Dr. Dynasaur based on any verifiable change in circumstances.

ORDER

The Department's decision is affirmed.

REASONS

Income eligibility for CHAP and Dr. Dynasaur is determined based on all earned and unearned income in the household. W.A.M. §§ M340 *et seq.* Inasmuch as there is no dispute that the Department, based on information provided by the petitioner in August 2008, correctly determined the petitioner's household income, and allowed all applicable deductions in accord with the above regulations, the Board is bound to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

#